

1 Andrew B. Downs, SBN 111435  
E-Mail: andy.downs@bullivant.com  
2 Peter Roldan, SBN 227067  
E-Mail: peter.roldan@bullivant.com  
3 BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
4 San Francisco, California 94108  
Telephone: 415.352.2700  
5 Facsimile: 415.352.2701

6 Attorneys for Plaintiff and Counter-Defendant  
United States Fire Insurance Company

7 Robert L. Brace, SBN 122240  
E-Mail: rlbrace@hbsb.com  
8 Peter L. Candy, SBN 149976  
E-Mail: pcandy@hbsb.com  
9 HOLLISTER & BRACE  
10 P.O. Box 630  
Santa Barbara, California 93102  
11 Telephone: 805.693.6711  
Facsimile: 805.965.0239

12 Attorneys for Defendant, Counter-Claimant  
13 and Cross-Claimant Samuel W. Henka and the  
Class

14 Kevin R. Martin, SBN 176853  
E-Mail: kevin@pattonmartinsullivan.com  
15 PATTON, MARTIN & SULLIVAN LLP  
6600 Koll Center Pkwy., Suite 250  
16 Pleasanton, California 94566  
Telephone: 925.600.1800  
17 Facsimile: 925.600.1802

Becki F. Kieffer, SBN 199773  
E-Mail: becki.kieffer@troutmansanders.com  
TROUTMAN SANDERS LLP  
Five Park Plaza, Suite 1200  
Irvine, California 92614  
Telephone: 949.622.2700  
Facsimile: 949.622.2739

18 Attorneys for Cross-Defendants Robert  
19 Estupinian and Ginny Estupinian

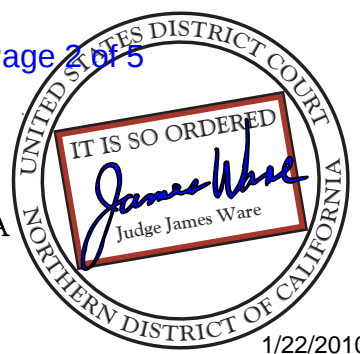
Attorneys for Cross-Defendant Continental  
Casualty Company

20 Shawn R. Parr, SBN 206616  
E-Mail: shawn@parrlawgroup.com  
21 PARR LAW GROUP  
150 Almaden Blvd., Suite 1380  
22 San Jose, California 95113  
Telephone: 408.267.4500  
23 Facsimile: 408.267.4535

Charles E. Wheeler, SBN. 82915  
E-Mail: cwheeler@cozen.com  
COZEN O'CONNOR  
501 West Broadway, Suite 1610  
San Diego, California 92101  
Telephone: 619.234.1700  
Facsimile 619.234.7831

24 Attorneys for Cross-Defendant Peter Ye

Attorneys for Cross-Defendant Liberty Mutual  
Insurance Company



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES FIRE INSURANCE  
COMPANY,

Plaintiff,

vs.

VESTA STRATEGIES, LLC, et al.,

Defendants.

SAMUEL W. HENKA, et al.,

Counter-Claimants,

vs.

UNITED STATES FIRE INSURANCE  
COMPANY, a corporation,,

Counter-Defendant.

SAMUEL W. HENKA, et al.,

Cross-Claimants,

vs.

VESTA STRATEGIES, LLC, et al.

Cross-Defendants.

Case No.: C 09-02388 JW PVT

**STIPULATION RE: MEDIATION  
PROCESS**

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Pursuant to the Court's Order of December 16, 2009 (Docket # 121) it is stipulated by and among the parties who have appeared to date<sup>1</sup>, through the counsel identified above, that the parties request that the Court appoint Randall W. Wulff of Wulff Quinby Sochynsky Dispute Resolution, 1901 Harrison Street, Suite 1420, Oakland, California 94612 as Mediator to assist the parties in their settlement efforts.

IT IS FURTHER STIPULATED that the mediator's fees for each mediation session shall be allocated as follows:

- 50% of the fees for each mediation session to be paid by Samuel W. Henka and the Class and by Vesta;
- 50% of the fees for each mediation session to be paid by all other parties who are participating in the particular mediation session.

DATED: January 15, 2010

BULLIVANT HOUSER BAILEY PC

By /s/ Peter Roldan

Andrew B. Downs  
Peter Roldan

Attorneys for Plaintiff and Counter-Defendant  
United States Fire Insurance Company

DATED: January 15, 2010

HOLLISTER & BRACE

By /s/ Peter L. Candy (via e-mail auth. PR)

Robert L. Brace  
Peter L. Candy

Attorneys for Defendant, Counter-Claimant and  
Cross-Claimant Samuel W. Henka and the Class

<sup>1</sup> Counsel for Cross-Defendant Peter Ye has only stipulated to the selection of the mediator and has not stipulated to the allocation of the mediation fees. Counsel for Cross-Defendants LPH, LLC, Lincoln Park Claybourn 1900, LLC, and 1135 West Armitage, LLC did not provide their authorization to enter into this stipulation.

1 DATED: January 15, 2010

2 PATTON, MARTIN & SULLIVAN, LLP

3  
4 By /s/ Kevin R. Martin (via e-mail auth. PR)  
5 Kevin R. Martin

6 Attorneys for Cross-Defendants, Robert Estupinian  
and Ginny Estupinian

7 DATED: January 15, 2010

8 PARR LAW GROUP

9  
10 By /s/ Shawn R. Parr (via e-mail auth. PR)  
11 Shawn R. Parr

12 Attorneys for Cross-Defendant Peter Ye

13 DATED: January 15, 2010

14 TROUTMAN SANDERS LLP

15  
16 By /s/ Becki F. Kieffer (via e-mail auth. PR)  
17 Becki F. Kieffer

18 Attorneys for Cross-Defendant Continental  
Casualty Company

19 DATED: January 15, 2010

20 COZEN O'CONNOR

21  
22 By /s/ Charles E. Wheeler (via e-mail auth. PR)  
23 Charles E. Wheeler

24 Attorneys for Cross-Defendant Liberty Mutual  
Insurance Company

**CERTIFICATE OF SERVICE**

This document will be served by the Court via its CM/ECF system, thus pursuant to General Order 45, part IX, no Certificate of Service is necessary, except as to those parties not on the Court's electronic service list.<sup>2</sup> Plaintiff is informed and believes that all parties who have appeared to date have at least one of their attorneys on the electronic service list.

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<sup>2</sup> Comment to Civil Local Rule 5-6.